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# A Plan to Solve the Utah Problem

BY THE

UTAH COMPROMISE CLUB,

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In the last Presidential message the Utah question is by his Excellency given a pre-eminent place, and the impending necessity of solution is made of national importance. The President has, moreover, like all others outside of Utah, chosen to consider polygamy as the very body and soul of the Utah problem, or, to put it with sociological exactness, he has sunk the whole commonwealth of a State in the special question of

## MORMON POLYGAMY.

Let this sociological aspect of the message, however, pass, for the more direct consideration of that which he has defined in his message as Utah's State question.

First, His Excellency advises Congress that there already exists a law for the suppression of Utah polygamy.

Second, That for seventeen years that law remained a dead letter.

Third, That this law having been confirmed by the Supreme Court, it must be executed.

Fourth, That, if necessary, further and extraordinary special legislation must be resorted to, contemplating not merely the usual punishments for bigamy, but also disfranchisement for the Mormons as polygamists: "The enjoyment and exercise of the rights and privileges of citizenship may be withheld or withdrawn."

But his Excellency has failed to give any advice to the people of Utah themselves in this matter. Furthermore, he neither points out their methods of solution, nor is his message suggestive of their methods. The execution of the recommendation to Congress will leave the people to be legislated for still in the meshes of, to them, a sacred married institution, unless Congress itself in its action create the methods of deliverance and preservation. There are no family adjustments contemplated in the message to furnish a basis of solution to the most complex social and religious problem of America. There is nothing contemplated in the message beyond penalties against a polygamic body of religionists.

Utah herself must, therefore, awake with advice; and in this awakening shall come the first suggestion of methods. The people of Utah must speak to their own question and necessities, for we have an issue before us and we cannot evade it, nor wisely procrastinate action.

Solid counsel begins with the recommendation from ourselves and to each other, as loyal citizens, to obey the laws of the land touching our vital question, and to accept the imperative law of our necessity as defined by Congress and confirmed by the Supreme Court. There is neither wisdom nor safety to-day in a part of the people of Utah attempting to controvert the sense and will of the millions of the nation, seeing also the word of the law is made strict before us.

Solid counsel continues in the people of Utah asking advice from the nation herself concerning what they must do to be saved with a sufficient salvation; for this is a matter to ten thousand souls, not of mere obedience, but of redemption also, while a hundred thousand persons besides,

either through their relations or sympathies, are nearly as deeply concerned as the ten thousand entangled in polygamy. It is no more a solution for Congress to bid Utah imperatively to give up her polygamy than it would be to bid polygamists to the penitentiary.

The prime condition to be manifested by the people of Utah is in a disposition to accept and comply with the expressed will of the nation touching polygamy. This will give them their proper methods as fast as they shall need them in the very process of the solution. This disposition already extensively exists throughout the masses of the Mormon community. There is needed but the *expression* of that disposition; and *in that expression is our initial method!*

On the part of Congress and the nation, the existence of such a disposition, and the expression thereof, would become the very groundwork of action both for Congress and the Courts. There is not a statesman in the world who would not promptly decide that action from the Mormon people themselves, thus expressed in their willingness to conform to the wishes of the nation and the law laid down, would suspend all action against them. The Mormons hold the issue in their own hands. Therefore should they make the first move, and thereby retain all their native advantages both as citizens and as a religious community. They must rise to the pure Mormon maxim—namely, to place themselves above the law by obedience to it, and then there is no power in the universe that can touch them as a religious community to their hurt; whereas the mere affirmation that they will not obey the law places them immediately within its grasp.

This disposition and intention of obedience expressed to the nation by the Mormon people, the question arises, "*How and by what ways shall the people give up polygamy, and what shall be their family adjustments?*"

The matter now becomes as grave to the American people as to the Mormons themselves. There are mutual responsibilities in the case. They are both to become factors in some righteous solution to be suggested and wrought out. They stand no longer confronted as prosecutor and crimi-

nal. Those statesmen who have imagined that the latter would be the Mormon attitude when the issue came have neither foreseen the difficulties of the case nor the quick and radical change that must take place in the settlement. One proper act of the Mormon people at this critical moment, made in no jesuitical spirit, but in all sincerity, will win for them the sympathy and respect of the civilized world, and from that initial act the case will be one of arbitration between the Mormons and the American people; wise and righteous conduct in them is all that is needed for that desirable consummation.

#### SPECIAL LEGISLATION.

Up to this moment special legislation is the one and *only method recommended and adopted* by the various Presidents and Congress in the solution of the Utah problem. The history of nations proves that this is neither a wise nor a safe method in the treatment of many of the outgrowths and conditions of society, and what is still more to the point, special legislation has seldom been an effective method. This has been found supremely true when the case has been that of a religious community in conflict with the State or with the established church of the nation. The abounding examples have been in the old world and in the ages past. In the earlier periods of our American commonwealth such an example was deemed impossible to arise in the United States, but the existence of the Mormon community has developed that example; and what is extraordinary in the case is, that the nation has become conscious of this before the Mormons have either felt or confessed this consciousness of conflict. Indeed, to this day the Mormons deny, with questionable consistency it is true, the existence of such a conflict between themselves and the nation, and maintain that they have done nothing either as practical religionists or as a society of American citizens not warranted by the Constitution and genius of our Republic. The Supreme Court, however, in its decision upon a test case, has substantially declared the existence of such conflict, and upon this decision the President of the United States proclaims it officially and advises Congress

to use all and every measure "necessary" to end it at once and forever. As for the Mormon Church, she evidently does not intend to see herself a party in the conflict, judging from Delegate Cannon's declaration in Congress that:

"While the Mormons believe in polygamy they are not going to violate the law of the country by practicing it. None of us intend to violate the law of 1862. We will cherish our belief; but as I have said, we will not practice it, because that would be a violation of law."

It is apparent, however, that this statement of the Delegate's but illy comports with the recent utterances of his Apostolic brethren, John Taylor, Orson Pratt, Wilford Woodruff and others, and affords ground for the conviction that this cherishing belief in the divine origin of polygamy will suffer the suppression of its practice no longer than the most stringent circumstances shall demand.

#### THE SETTLEMENT.

Granting, however, our Delegate's good faith in the matter, none better than he knows that there must be in the issue a regular settlement. This settlement will be either honorable or dishonorable to the nation, and considerate or cruel towards the Mormon people. If we mind not, the act and process of abolishing polygamy may be worse than the existence of an evil which must of itself in time die out from natural causes. If the abolition of polygamy is to substantially mean the divorce of thousands of wives, the breaking up of thousands of families, and the bastardizing of tens of thousands of children, then the American nation is about to place herself fearfully in the wrong. It would be the reverse of the abolition of slavery; for that was the emancipation of a race, while this would be, for the most part at least, a general disruption of the holiest ties known to humanity. In American history the next generation would read of the horrors and wrongs in the abolition of Mormon polygamy, and this could only be prevented by the honor of the Mormon polygamists themselves in keeping their families intact and maintaining the sacredness of their relations, merely evading the

"criminal" aspect of their case. By and by it would be a nice question of Christian ethics to decide which was the most criminal, the man who casts off his plural wife of a quarter of a century's standing in that, to him, sacred relation, with all her children born in honor and purity of intention, or the daring husband who confessed her still as his beloved and honored wife in spite of human laws to the contrary? And yet polygamy must be abolished. The nation has declared it, and her will in the case is supreme; but this must be done in righteousness or the settlement will be a crime against humanity.

#### A PLAN FOR THE SETTLEMENT.

The President of the United States having officially declared the abolition of polygamy to be Utah's real State question, and this also being the sense of the American people generally, the Utah problem could be best and most thoroughly solved in the process of the creation of our State. Extraordinary special legislation is resolved upon. Very well. Let Congress be thorough in its method and work. Let Congress authorize the call of a State convention in Utah, composed of delegates elected by the people, one-half representing the Mormons and the other representing the nation. This could be done under the direction of a special commission sent out by the President, for which we have a precedent given by Buchanan in the period of the Utah war. There are said to be nearly twenty thousand Gentiles in Utah, besides thousands of "outcoming Mormons," as they are styled, and a "Josephite church" (monogamic) claiming to represent the "true Latter-Day Saints." These combined can form the factors against polygamy, and they can elect their equal quota of delegates to the State convention upon the anti-polygamic ticket. This convention would form a body of arbitration fairly divided and equal in strength. Under the authority of the commission, polygamy can be abolished in the organic act of the State Constitution, yet with a just disposition of the family relations already existing. Moreover, the cumulative system of voting could be adopted, giving the minority its fair representation in the future

State, and this would be the beginning of a healthy "home rule" in Utah. And if it be said that the equalizing of the delegates of this State convention would be at the start a violation of the principle of equal representation, the Mormons being in the majority, the reply would be that the anti-polygamic part of the body of arbitration would represent forty millions of the American people. The nation would stand for the majority, not "polygamic theocracy," but the nation in her generosity would consent to waive her might for the purpose of effecting a just and humane settlement of the most complex and sensitive religious and social question of the age.

#### UTAH, NOT CONGRESS, THE PLACE FOR ACTION.

Congress is the proper and sufficient body to furnish methods and to empower with enabling acts, but Utah is the proper place for final legislation and the settlement. Whatever method be chosen, whether that of *punishment* or a just and humane *settlement*, the real as well as the final action is right home at the very heart of the Mormon people, and also locally fixed to Utah. The practical point in question is, whether this most serious matter shall be taken to the courts in a manner so thorough and radical that it will shake the very foundations of a church, and overturn the social and family fabric of the Mormon people, or whether it shall be referred to a State convention, acting under a special commission from the nation, abolishing polygamy, yet dealing with this sad social condition, worthy the statesmanship and humanity of the American Republic? In either case all the real work will be done in Utah, and the principal portion of it in Salt Lake City. The fact is Congress can do next to nothing in Washington in grappling with the Utah difficulties, while by enabling acts it can furnish the citizens of Utah with methods and means to do it effectually, and in the process of doing to set up an acceptable State commonwealth. Furthermore, in view of the President's pivot of advice that Congress should aim for "more comprehensive and more searching methods," why not by its special legislation seek those methods in and through the people of Utah themselves,

*uniting all her citizens in the action?* It stands not before the nation in the form of the Mormons' religion or the affairs of a church, but as a condition of society and the question of a general commonwealth. If it be our real State issue that is involved, and withal also thus far fatally hindered, it is due to all concerned that our whole voices, petitions and votes should be brought to bear in this matter. This would give to the entire action a republican spirit and aim, and what is now mere special legislation would be transformed into a regular constitutional act, enabling the people of Utah, under the advice and direction of the nation, to carry out her will and purpose.

#### THE STATE THE ISSUE OF ALL PARTIES.

It will be wise to lay down as the basis of a present understanding that in the State we have the issue of all parties, and *in polygamy the excuse of action*. But if we follow *the excuse* too faithfully all parties may betray themselves and each other, doing certainly something which they design, yet incurring as the penalty nearly everything which they desire not. For instance, the Gentiles of Utah may abolish polygamy, and create a Mormon State in the very act of doing it, and this they will do beyond a peradventure unless they are both comprehensive in their measures of the present hour and just towards the Mormon people. On the other hand, George Q. Cannon and his brother apostles, between their necessities for abolishing polygamy in the face of a "XVI Amendment" of the Constitution and their State aspirations, may betray the Mormon people in not securing amnesty by a fair State compromise; for unless the Gentiles and the Utah Mormon Liberals preserve them by their justice the utter betrayal of Mormon families is certain. Say the Mormons will receive their compensations in the creation of a "*Mormon State*," but the penalty incurred attaching to a theocratic State in the end would be no less than civil war in Utah, in the action of which the United States would most certainly take a part. Well, then, if the nation has her necessity as well as the Mormon leaders theirs, why should not the nation boldly put an end to "Polygamic Theoc-



racy" in the creation of an American State, instead of leaving her door open to a Mormon State and Utah in danger of civil war. President Hayes has again brought us face to face with "Polygamic Theocracy," but he has uncoupled the parent and offspring. They stand now as the State *versus* Polygamy. He proclaims the necessities of Utah and the nation. We cannot in the future too strongly and constantly keep his words before us: "This Territory has a population sufficient to entitle it to admission as a State, and the general interest of the nation, as well as the welfare of the Territory, require its advance from the territorial form of government to the responsibilities and privileges of a State." We are all conscious of this. In some sense both the Mormons and Gentiles have a common interest here. But the danger is in future lest the Gentiles leave the Mormons to go alone for the State, sacrificing polygamy, but beating the Gentiles to the wall.

#### THE PLANS PROPOSED FOR THE SOLUTION.

Briefly now review the various plans proposed for the solution of the Mormon problem.

President Hayes—"More comprehensive and more searching methods" for prosecution and punishment, and disfranchisement of polygamists "if necessary."

Congressman Burrows—A sixteenth amendment to the American Constitution!

District-Attorney Van Tile—"Removing the limitation clause, and making polygamy an offense forever, is my pet measure. \* \* \* Then I should like a law against lewd and lascivious cohabitation."

O. J. Hollister—An anti-polygamic amendment to the American Constitution.

Judge Boreman—"Make polygamy a continuous offense, existing as long as the parties live together as man and wife."

Many Voices—Keep Utah out of the Union till the Gentiles can rule the State.

George Q. Cannon—Hold on to polygamy as a faith, but cease its practice and obtain a State.

## THE GRAND COMPROMISE !

First—A State Convention summoned by a United States Commission, appointed by Congress, to settle the polygamic difficulty in the creation of a State.

Second—A petition from all parties in Utah for Congress to appoint such a Commission, and a grand mass meeting to be held in Salt Lake City to formulate preliminary methods of action.

Third—Adopt minority representation in the inchoate State.

Fourth—Minority representation embodied in the State Constitution, proceed to abolish polygamy, but preserve innocent families in a righteous settlement.

Fifth—Let justice towards all prevail.

## THE PRINCIPLE OF THE PLAN APPROVED.

The arbitration principle in the plan of compromise is now adopted by great nations in the settlement of their supreme difficulties. The Geneva Conference affords one of the noblest examples of all history; but the example of the grand settlement of the last Presidential election gives the best pattern for the present case, it being in its principle and form substantially the plan proposed for the settlement of the Utah difficulty. A body of arbitrators equally divided under a United States Commission would accomplish more in a thirty days' session, legislating for Utah at home, than Congress could accomplish by the ordinary methods of special legislation in as many years. Moreover, with such an equal division of forces among men setting up a commonwealth, in which *they and their children may be concerned for the next century*, that which would be done must perforce be that which all the people would most desire to prevail, unless indeed either side desired something which is not proper in a republican commonwealth, and that the very balancing of the power would effectually prevent; whereas to set up a "Mormon State" or a "Gentile State" would be as the man building his house upon the sand. There is, therefore, safety to the commonwealth in the plan of compromise. The plan

is, also, infinitely more simple and more becoming the honor of America than the proposed plan of a sixteenth amendment to the Constitution.

#### THE COMPROMISE JUST TO ALL.

In the very nature of things, the law of compromise must work justice to all concerned. In the setting up of a fair and truly American commonwealth, the Mormon people would be benefited in all their real interests as much as the Gentiles. Moreover, a generous amnesty, covering the past, would be secured in the action of the convention; therefore would the Mormon people receive compensation for their offered sacrifice. But if they design to maintain their "polygamic theocracy," then let their leaders understand that the American nation will no longer permit their anti-American design. The civilization of the age is against them. As for the Gentiles, they have a right to demand justice and their full share in the commonwealth. To be unrepresented for a quarter of a century, as the Gentiles have been in Utah, is an example that has no parallel in the history of free men. The State compromise must therefore secure to them their inalienable rights, and this, in the change from an absolute theocratic rule, can be done only by the adoption of a minority representation. To merely abolish polygamy, and allow a theocratic rule to still prevail, and that too in the form of a State Government, would be most fatal, and the constant danger is lest Congress should admit Utah upon an anti-polygamic plan, instead of upon a comprehensive State compromise, devised by the people of Utah themselves. If the Mormon people be but just in their aims, they will not only receive justice in return, but salvation for their families. The Gentiles will preserve them from betrayal, not seek to betray them anew; therefore will the plan of compromise work out the good of all.

#### THE CURE.

Who so blind that cannot see at a glance the beneficial work of a State convention assembled upon a grand compromise plan! For the first time in the history of Utah we should have a body of men legislating for the good of

the whole people. And as the delegates would be equally interested in the general results, we may reasonably expect, from the peculiarities of the case, a very model of a State commonwealth. Confidence would be inspired by the action. Men would learn to trust one another. Representative citizens would be brought together in the State work who have scarcely ever met before, and yet who for years have been concerned in the building up of our Territory and the developing of its enterprises. A month's work would cure Utah forever of theocratic rule; and with minority representation secured there would gradually grow up a healthy balance of power, the same as in other American States.

LET US HAVE THE ISSUE.

Having resolved upon the compromise plan, let us at once set to work to erect an American commonwealth. Polygamy affords the opportunity. The nation demands the settlement. Let Utah, then, give that settlement in and through the action of her entire people in accord. The settlement will be a supreme blessing to the Mormon people themselves, and a happy issue for the nation. This reached, and the future State of Utah, with her mineral wealth, has a glorious prospect before her; and thus preserved and redeemed by the wisdom and justice of her representative men, she may yet become the admiration of all America.